

Risk assessments for Black, disabled and other vulnerable workers

COVID-19 guidance for UNISON branches

UNISON is concerned about the disproportionate impact of COVID-19 on Black, disabled and other vulnerable workers. Our concerns have been borne out by the publication of the the Public Health report “Disparities in the risk and outcomes of COVID-19.”

This report proves that Black workers are much more likely to suffer worse outcomes, including serious illness and death, from being infected by COVID-19 than their white colleagues. The report says that Black men are 3.9 times more likely to die than white men, while Black women are 3.3 times more likely to die than white women. These risks are especially acute for older Black men and women, or those with underlying health conditions.

This guidance focuses on staff at higher risk and UNISON has already published sector-based advice for members which contains best practice examples of how some employers have considered the increased risks to Black staff. In this guidance you will find a template your employer may use when doing risk assessments for Black, disabled and other vulnerable members of staff. It covers:

1. Black employees (referred to by government as BAME)*
2. Clinically extremely vulnerable employees (people at high risk)
3. Clinically vulnerable employees (people at moderate risk)
4. Employees living with/caring for vulnerable or extremely vulnerable people
5. Older employees (over 60)
6. Gender
7. Travel

Keeping staff safe at work

Government guidance in England (see additional information below) says office staff who can effectively work from home should do so for the winter months. Staff in the other three countries of the United Kingdom should work from home wherever it is reasonable to do so.

If you are required to go to work your employer must have undertaken a risk assessment to ensure they have done everything that is reasonable to make it safe for you.

As COVID-19 may cause staff harm, employers must put in place measures to prevent its spread. A risk assessment is the process of identifying what hazards currently exist or may appear in the workplace. It defines which workplace hazards are likely to cause harm to staff and visitors.

Employers must identify all those for whom they have a duty of care, whether they are staff or service-users who are classed as being either at most or moderate risk from COVID-19.

Employers should consider all groups at risk through COVID-19. However, research has shown that Black workers are at increased risk of infection, serious illness and death through COVID-19.

It is important that employers consider all these factors and how they relate to one another. For example, a Black man is more at risk than a white man. However, the older you get the more important these risks become in terms of how likely you are to die from the disease.

Black employees

Evidence from the Office for National Statistics shows a greater impact of Covid-19 on Black communities with a disproportionate number of deaths being recorded. The exact reasons for these differences are not yet known. However, whatever those reasons may be, this statistical fact must be considered when employers are conducting their risk assessments. Failure to do so is a failure to carry out a complete and sufficient risk assessment.

UNISON's advice is that a risk assessment should be carried out for Black staff, and staff who live with a Black person, based on ethnicity, and taking into account other factors such as what work they do, age and underlying medical conditions.

In UNISON, Black is used to indicate people with a shared history and is used in a **broad political and inclusive sense.*

All redeployment options should be considered to minimise risk, including working from home (if not already doing so) if deemed appropriate by the risk assessment, or if the staff member is not assured by the measures in the risk assessment. You should encourage members to discuss personal concerns with the employer.

However, when considering the different outcomes between Black and white workers it is important that all other risk factors are considered, as this will impact on the actual risks.

Clinically extremely vulnerable employees (people at high risk)

Shielding for those people in the clinically extremely vulnerable category has now been paused in all four countries of the United Kingdom. You should still work from home if possible, although in England you can go to your workplace if it is safe to do so.

Advice on what to do if you cannot work from home can be found on the UNISON Coronavirus your rights at work advice page (see additional information below). Your employer must do everything they reasonably can to keep you safe and should be made aware that refusal of home working for a disabled person may amount to unlawful discrimination under the Equality Act.

Clinically vulnerable employees (people at moderate risk)

The government recognises clinically vulnerable employees as those who are 70 or older, pregnant (see additional information below) or have an underlying health condition. If you are in this category you are advised by the governments of all four countries to work from home wherever possible. More details on this advice and what to do if you cannot work from home can be found on the UNISON Coronavirus your rights at work advice page (see additional information). Again, refusal of home working for a disabled person may amount to unlawful discrimination under the Equality Act.

Employees living with/caring for vulnerable or extremely vulnerable people

UNISON's position is that anyone living with or caring for someone who is "extremely vulnerable" should be allowed to work from home or to take special paid leave. Further details are available on the UNISON Coronavirus your rights at work advice page (see additional information). If a staff member who lives with someone clinically vulnerable chooses to return to the work place, they should only be asked to work in roles where strict social distancing can be applied.

Older employees

The NIHP report shows that compared with people under 40, the probability of death is about three times higher among those aged 40 to 49, nine times higher among those aged 50 to 59 and 27 times higher among those aged 60 to 69. The World Health Organisation says the highest risk is in over-60s.

For Black staff these risks are even higher.

A risk assessment should take account of these risks, also considering other factors such as ethnicity, other medical conditions and the sort of work carried out. Members should discuss their personal concerns with their employer.

Gender

According to the NIHP report men between the ages of 40 and 79 were twice as likely to die as women, whereas men under the age of 40 were 1.5 times as likely to die. The reasons for this difference are unclear and does not diminish in any way the risks faced by women, as Black women are 3.3 times more likely to die than white women. However, the risks faced by Black men, especially older Black men, are even greater.

Travel

Although employers' mandatory duty to manage the health and safety of staff does not extend to travel to and from work (they are responsible for travel between work places), UNISON believes it is good practice to take this into account especially with regard to staff who are already at increased risk.

Additional information

UNISON Coronavirus your rights at work

<https://www.unison.org.uk/coronavirus-rights-work/#heading-12>

UNISON COVID 19 – know your rights Guidance for pregnant women

https://www.unison.org.uk/content/uploads/2020/09/26189_COVID-19_Guide_for_pregnant_workers.pdf

Government guidance (England) on working safely during coronavirus

<https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>

Risk assessment template for vulnerable workers

Your employer should already be using a risk assessment matrix to calculate the level of risk for the task and the environment it is carried out in. UNISON recommends that your employer should also develop a matrix that calculates the excess risks for individual members of staff taking into account all the risk factors listed above. What method your employer uses – and how the risk factors are scored – should be decided in partnership with trade unions. The risk score of the individual should then be added to that for task and environment to calculate the overall level of risk.

Below you will find a matrix and flowchart to help your branch in negotiations with your employer around risk assessments for Black, disabled and other vulnerable staff.

RISK	EXCESS RISK SCORE 1-5
RACE	
CLINICALLY EXTREMELY VULNERABLE WORKERS	
CLINICALLY VULNERABLE WORKERS (THOSE AT MODERATE RISK)	
EMPLOYEES LIVING WITH/CARING FOR VULNERABLE OR EXTREMELY VULNERABLE PEOPLE	
AGE	
GENDER	
TRAVEL	
TOTAL RISK SCORE	

This flow chart will help you see the steps your employer should be taking to reduce the risk of COVID-19 for Black, disabled and other vulnerable workers.

